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UNCLAS SECTION 01 OF 17 PANAMA 000555

SIPDIS

SENSITIVE

DEPARTMENT FOR WHA/CEN PIERCE, G/TIP RACHEL OWEN, G, INL,
DRL, PRM, IWI, WHA/PPC/PUCETTI FALLS
STATE PASS FOR USAID

E.O. 12958: N/A

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SUBJECT: PANAMA'S INPUT FOR FIFTH ANNUAL ANTI-TRAFFICKING
IN PERSONS (TIP) REPORT

REF: A. 04 STATE 273089

[B](#). 04 PANAMA 02153

[C](#). PANAMA 00338

[D](#). 04 PANAMA 00548

[E](#). 04 PANAMA 00148

[F](#). 2004 HUMAN RIGHTS REPORT FOR PANAMA

[G](#). PANAMA 00390

[H](#). 04 PANAMA 02589

[I](#). PANAMA 00088

[J](#). 04 PANAMA 02613

SUMMARY

[1](#). (SBU) Embassy Panama believes that trafficking in persons (TIP) is a relatively small and manageable problem, involving around 200-500 victims. In 2004, Embassy worked closely with the Government of Panama (GOP) to discover the true extent of TIP in Panama and to strengthen the anti-TIP legal framework, investigate and prosecute traffickers; publicize the crimes associated with TIP; train officers and staff; reduce the number of TIP victims; and improve the care they receive. Passage of the March 2004 anti-TIP law was a positive step that greatly enhanced the GOP's ability to publicize and prosecute TIP and to protect victims. In October the Technical Judicial Police (PTJ) created a Sexual Exploitation Section within its Sex Crimes Unit; in November the Ministry of Children, Youth, Women and Family (MINJUMFA) initiated an awareness campaign and began seeking shelter and counseling services for more TIP victims; and in February 2005 the Attorney General convoked a permanent anti-TIP commission. As seen with Panama's July 2004 ratification of the U.N. Protocol to Prevent, Suppress, and Punish Trafficking in Persons, the National Assembly is increasingly "on alert" about TIP. The GOP is pushing for tougher anti-TIP measures. The GOP is open to suggestions from Embassy-G/TIP and the GOP has reached out to the international community for help in addressing its TIP problem. Nonetheless, the Immigration Directorate continues to favor issuance of "alternadora" visas for female sex workers, citing public health concerns. End Summary.

[2](#). (U) Per Reftel A Embassy Panama is pleased to submit its input for the annual Trafficking in Persons (TIP) report. Classified information regarding corruption will be sent by septel.

IS THE COUNTRY A COUNTRY OF ORIGIN, TRANSIT OR DESTINATION FOR INTERNATIONALLY TRAFFICKED MEN, WOMEN OR CHILDREN? SPECIFY NUMBERS WITHIN EACH GROUP. DOES THE TRAFFICKING OCCUR WITHIN THE COUNTRY'S BORDERS?

[3](#). (SBU) Panama is a country primarily of destination for internationally trafficked men, women, and children and a country of origin primarily for internally trafficked children. Embassy estimates that approximately 125-375 children (both boys and girls), 75-125 women, and 0 men are trafficked annually in Panama, 95% of whom are trafficked internally.

DOES IT OCCUR IN AN AREA OUTSIDE THE GOVERNMENT'S CONTROL?

[4](#). (SBU) Commercial sexual exploitation of children occurs disproportionately in Darien province, a remote area that has little infrastructure and has historically received few government resources. The prosecutor for the Darien region suspects, but has limited proof, that at least one traditional leader of one of Panama's semiautonomous indigenous groups in the Darien area offers indigenous girls for prostitution.

ARE THERE ESTIMATES OR RELIABLE NUMBERS AVAILABLE AS TO THE EXTENT OR MAGNITUDE OF THE PROBLEM? PLEASE INCLUDE ANY NUMBERS OF VICTIMS. WHAT IS (ARE) THE SOURCE(S) OF AVAILABLE INFORMATION ON TRAFFICKING IN PERSONS? HOW RELIABLE ARE THE NUMBERS AND THESE SOURCES?

[5](#). (SBU) GOP tracks arrests, investigations, and victim

complaints, and deportations of illegal foreign sex workers. The International Labor Organization (ILO)/Program for Eradication of Child Labor (IPEC), along with academics at the University of Panama (UP), publish reports on commercial sexual exploitation of minors. (NOTE: ILO/IPEC is working regionally to combat commercial sexual exploitation of minors. End Note.) Panama's press has reported on the trade involving underage sex workers and arrests and prosecutions of their traffickers. GOP and NGO officials also provide verbal reports and updates to Embassies on numbers of TIP victims. GOP and ILO reports and commentary are reliable. Press reports at times are reliable, but are often sensationalized. Embassy evaluated the sources of the reports and took a "realistic and solid evidence" approach, basing total TIP victims numbers on verifiable evidence and knowledge of Panama's overall social and economic conditions.

16. (SBU) The estimated annual number of Women victims is 75-125. The estimates for the adults does assume that a small percentage (5-10%) of female sex workers in Panama or transiting Panama could be considered TIP victims. Immigration Department statistics indicate that approximately 367 women were deported for working illegally in the sex trade from January through November 2004, mainly Colombians. Immigration officials indicate that illegal sex workers also include women from the Dominican Republic. Immigration officials reported that none of these women claimed to be TIP victims. All knowledgeable TIP sources agree that the overwhelming majority of adult female sex workers in Panama or transiting Panama have chosen their profession freely. (Note: There have been unsubstantiated allegations of debt bondage amongst smuggled Mainland Chinese. (reftel E) A 2002 paper by OAS Chinese migration consultant Dr. Ramon Mon describes a press account of Chinese debt bondage in Panama in the early 1990s. No recent evidence has been uncovered to support such allegations. Embassy continues to search for more credible evidence and the GOP invited Dr. Mon to participate in its DOJ-sponsored TIP training March 7-9. Estimates are not provided for debt bondage TIP victims. End Note.)

17. (SBU) The estimated annual number of minor TIP victims is 125-375 (both male and female), primarily victims of internal trafficking for commercial sexual exploitation. This estimate is based on ILO/IPEC reports; recent police busts; meetings with NGOs, prosecutors, and investigators; and extrapolation. The ILO reports indicate that there are at least 100 minors who are sexually exploited for commercial purposes. Since March 2004, an ILO/IPEC pilot program with local officials in Veraguas province removed approximately 130 girls from child domestic labor, some of whom may have also been trafficking victims (reftel B).

18. (SBU) (Note: Although the estimate is higher than in last year's report (reftel D), Embassy does not believe that the actual number of victims is increasing. Rather, GOP prevention and awareness campaigns have resulted in more victims and witnesses coming forward. Similarly, the March 2004 anti-TIP law gave prosecutors and police investigators greater investigative powers, allowing the GOP to uncover more victims).

WHERE ARE PERSONS TRAFFICKED FROM? WHERE ARE THE PERSONS TRAFFICKED TO?

19. (SBU) Women are trafficked from Colombia (primarily) and the Dominican Republic to Panama, Costa Rica, United States (through Central America) and Europe. There is some credible evidence that minors have been trafficked from Colombia to Panama in previous years. Child domestic laborers who may be trafficking victims originate primarily from western provinces and go to Panama City. Children trafficked for commercial sexual exploitation are trafficked primarily within Panama City and from Darien province to Panama City.

HAVE THERE BEEN ANY CHANGES IN THE DIRECTION OR EXTENT OF TRAFFICKING?

110. (SBU) In the past year it is likely that trafficking slowed because of vigorous investigation and prosecution under the March 2004 anti-TIP law. During 2004, the GOP "suspended" issuance of the "alternadora visa" (reftel F). GOP officials reported that because Colombians can enter Panama without a visa, Colombians entered Panama as tourists and began to practice prostitution without regulation and health controls. ARE THERE EFFORTS OR SURVEYS PLANNED OR UNDERWAY TO DOCUMENT THE EXTENT AND NATURE OF TRAFFICKING IN THE COUNTRY? IS ANY ADDITIONAL INFORMATION AVAILABLE FROM SUCH REPORTS OR SURVEYS THAT WAS NOT AVAILABLE LAST YEAR?

111. (SBU) NGOs publish reports on the health status of sex workers in Panama. ILO/IPEC publishes reports and studies on the extent of commercial sexual exploitation of minors in Panama. ILO also publishes reports on child domestic labor

in Panama. Most of their reports have been published within the last three years. Since last year, ILO reports showed that girls from Veraguas province may be trafficked for child domestic labor (reftel B) and that commercial sexual exploitation is linked to concepts of masculinity in Panama.

12. (SBU) TIP prevention and protection proposals by the Attorney General's Office and MINJUMFA contemplate studies on TIP (reftel C). The GOP tracks TIP victims' complaints through the Panamanian Judicial Police (PTJ) Sex Crimes Unit Sexual Exploitation Section. Under the March 2004 anti-TIP law, authorities must send TIP case statistics to the National Commission for Criminal Statistics (CONADEC). The new anti-TIP commission (CONAPREDES) must study the mechanisms for preventing and eliminating crimes of commercial sexual exploitation. (reftel G) Immigration tracks deportations of illegal sex workers, classified as "non-bona fide" tourists.

IF THE COUNTRY IS A DESTINATION POINT FOR TRAFFICKED VICTIMS:
WHAT KIND OF CONDITIONS ARE THE VICTIMS TRAFFICKED INTO?
WHAT METHODS ARE USED TO ENSURE THEIR COMPLIANCE? ARE THE
VICTIMS SUBJECT TO VIOLENCE, THREATS, WITHHOLDING OF
DOCUMENTS, DEBT BONDAGE, ETC?

13. (SBU) Women and minors are trafficked into massage parlors and nude dancing establishments, which also serve as brothels. Many work on the streets. PTJ Sex Crime Unit investigators, prosecutors, and judges indicate that withholding documents (passports) and heavy debts are the most common means of ensuring compliance. Withholding documents is most common for those who are working illegally (without work permits/"alternadora" visas) in prostitution. Threats of violence have not been reported in the vast majority of cases. In cases of internal trafficking of minors for commercial sexual exploitation, victims and their families have received threats of physical harm after the victim, the PTJ, or prosecutors initiated investigations. In cases of child domestic labor, girls may pay a fee to find a job in the city which is deducted from their meager wages. (Note: The March 2004 TIP law makes the withholding of documents a crime punishable by 3-5 years in prison).

IF THE COUNTRY IS COUNTRY OF ORIGIN: WHICH POPULATIONS ARE
TARGETED BY TRAFFICKERS? WHO ARE THE TRAFFICKERS? WHAT
METHODS ARE USED TO APPROACH VICTIMS? WHAT METHODS ARE USED
TO MOVE VICTIMS?

14. (SBU) Panama is a country of origin for internal trafficking. GOP and ILO reports indicate minors (girls) are offered cash and clothing by those running sex worker rings. Traffickers are usually non-family, third parties. According to recent reports, girls are approached on the streets when away from their parents by third parties. Victims are transported within Panama by car and usually within a relatively limited area. Adult victims are most likely Colombian, and, to a lesser extent, Dominican female sex workers who arrive willingly in Panama to work in the sex trade but could become victims of TIP. In the case of child domestic labor, recruiters contact rural girls hoping to continue their education in the city and arrange for their transportation for a fee to be deducted from wages (reftel B).

IS THERE POLITICAL WILL AT THE HIGHEST LEVELS OF GOVERNMENT
TO COMBAT TRAFFICKING IN PERSONS? IS THE GOVERNMENT MAKING A
GOOD FAITH EFFORT TO SERIOUSLY ADDRESS TRAFFICKING? IS
THERE A WILLINGNESS TO TAKE ACTION AGAINST GOVERNMENT
OFFICIALS LINKED TO TIP? IN BROAD TERMS, WHAT RESOURCES IS
THE HOST GOVERNMENT DEVOTING TO COMBATING TRAFFICKING IN
PERSONS (IN TERMS OF PREVENTION, PROTECTION, AND PROSECUTION)

15. (SBU) Throughout 2004, the GOP has demonstrated will at the highest levels of government to combat trafficking in persons and has made a good faith effort to seriously address trafficking. In March 2004, the National Assembly passed and former President Moscoso signed a new anti-TIP law that has led to increased attention to TIP throughout the GOP, institutionalizing the country's anti-TIP efforts at the policy and the technical level. As a result of the legislation, the PTJ's Sex Crimes Unit created a Sexual Exploitation Section to combat crimes under the new law (reftel H). Because the new law allowed PTJ investigators and government prosecutors to initiate their own cases, the PTJ and Prosecutors have devoted more time, energy, and resources to combating TIP cases, generally cases of sexual exploitation of minors. With an increasing number of investigations and prosecutions, Attorney General Gomez immediately identified combating TIP as a priority upon taking office (reftel I). (NOTE: Domestic sexual violence and non-commercial sexual exploitation. Resources and manpower within the PTJ and the prosecutors' offices are dedicated accordingly. End Note.)

16. (SBU) Attorney General Gomez acted quickly to convoke the anti-TIP Commission CONAPREDES under the new law on February 15. CONAPREDES includes policy makers from the Ministry of Government and Justice (MOGJ), MINJUMFA, the Ministry of Health, and the Ministry of Education. (reftel G). Under the anti-TIP law, CONAPREDES is charged with creating a fund from a special tax source for training, education, and prevention. MINJUMFA Minister Calderon has devoted additional vehicles, social workers, and shelter services to TIP protection, particularly for victims from the Darien region (reftel C). Minister Calderon and the Office of the First Lady also initiated a TIP prevention program.

17. (SBU) MOGJ's Immigration Directorate conducts raids on brothels and other establishments where TIP victims may be present. These operations are carried out every two to three months and on an ad-hoc basis responding to complaints and leads. Immigration works in conjunction with the Panama National Police (PNP). Immigration also increased airport and border-crossing enforcement, often in conjunction and with the assistance of USG resources. As discussed with EmbOffs, Immigration officers are aware that certain visitors to Panama fit the profile of persons seeking to work illegally in the sex trade who could subsequently become or are TIP victims. The National Air Service (SAN) and National Marine Service SMN also conduct interdictions to apprehend illegal migrants.

18. (SBU) Despite having no declared TIP victims through immigration operations, Vice MOGJ Minister Olga Golcher announced in February 2005 plans to create a special MOGJ office to receive complaints from and to provide services to TIP victims. The MOGJ has already initiated a new office of gender.

19. (SBU) MINJUMFA and the Ministry of Education also have projects designed to eliminate illegal child labor, forced or otherwise. MINJUMFA also helps fund NGOs that are involved in combating child labor, domestic violence, or victims' assistance. Combating TIP has a natural link with their work in these areas. For example, MINJUMFA funds the NGOs Casa Esperanza (involved in fighting child labor) (reftel B) and Casa Malambo (involved in sheltering victims) (reftel C).

20. (SBU) Embassy has on-going TIP dialogue with all levels of the GOP. Embassy continues to work closely with the highest levels of the GOP and believes the GOP will further strengthen their anti-TIP efforts. However, some GOP officials continue to support the use of the "alternadora visa," citing public health reasons. Nonetheless, these GOP officials have stated they wish to modify the "alternadora" visa to ensure that it complies with the U.N. Protocol to Prevent, Suppress, and Punish Trafficking in Persons, which Panama ratified in July 2004.

DO GOVERNMENTAL AUTHORITIES OR INDIVIDUAL MEMBERS OF GOVERNMENT FORCES FACILITATE OR CONDONE TRAFFICKING, OR ARE THEY OTHERWISE COMPLICIT IN SUCH ACTIVITIES? DO GOVERNMENT OFFICIALS (SUCH AS CUSTOMS, BORDER GUARDS, IMMIGRATION OFFICIALS, LABOR INSPECTORS, LOCAL POLICE, OR OTHERS) RECEIVE BRIBES FROM TRAFFICKERS OR OTHERWISE ASSIST IN THEIR OPERATIONS? WHAT PUNITIVE MEASURES, IF ANY, HAVE BEEN TAKEN AGAINST THOSE INDIVIDUALS COMPLICIT OR INVOLVED IN TRAFFICKING?

21. (U) This issue will be addressed in septel.

WHAT ARE THE LIMITATIONS ON THE GOVERNMENT'S ABILITY TO ADDRESS THIS PROBLEM IN PRACTICE? FOR EXAMPLE, IS FUNDING FOR POLICE OR INSTITUTIONS INADEQUATE?

22. (SBU) The new anti-TIP law allows prosecutors and PTJ investigators to initiate their own cases, eliminating a past limitation (reftel B, C, F). Nonetheless, funding is limited for TIP-specific investigations within PTJ, PNP, Immigration and other GOP agencies. Lack of funding also hinders coordination within the GOP and with civil society, hampering prevention and protection efforts.

IS OVERALL CORRUPTION A PROBLEM?

23. (SBU) Corruption is a problem in Panama.

TO WHAT EXTENT DOES THE GOVERNMENT SYSTEMATICALLY MONITOR ITS ANTI-TRAFFICKING EFFORTS (ON ALL FRONTS, PROSECUTION, PREVENTION, AND VICTIM PROTECTION) AND PERIODICALLY MAKE AVAILABLE, PUBLICLY AND PRIVATELY AND DIRECTLY OR THROUGH REGIONAL/INTERNATIONAL ORGANIZATIONS, ITS ASSESSMENTS OF THESE ANTI-TRAFFICKING EFFORTS?

24. (SBU) The PTJ Sexual Exploitation Section keeps excellent statistics on the TIP cases it sends for prosecution, including the age and gender of victims and the nationalities of the perpetrators. Immigration has statistics on deportations, including those involving illegal prostitution. The Judicial Branch compiles and distributes statistics, but they are current only through 2003, prior to the passage of the anti-TIP law. The GOP Ministries that

work to eradicate forced child labor and commercial sexual exploitation of minors all track results of their projects. The GOP shares its statistics with NGOs ILO/IPEC, and the Embassy. Embassy officials can call at any time and receive the latest updates from these GOP ministries.

125. (SBU) ILO/IPEC uses statistics from the PTJ to supplement their own reporting. The March 2004 anti-trafficking law requires authorities to keep statistics on sexual TIP and send those statistics to the National Commission for Criminal Statistics (CONADEC) to serve as a baseline for authorities in their prevention and protection efforts. Embassy expects that the new anti-TIP commission (reftel G) will work to improve statistics at the ministerial level for transmission to CONADEC. The anti-TIP prevention and protection proposals from the Office of the Attorney General and MINJUMFA (reftel C) include programs for increasing monitoring capabilities.

IS PROSTITUTION LEGALIZED OR DECRIMINALIZED? IF PROSTITUTION IS LEGAL AND REGULATED, WHAT IS THE LEGAL MINIMUM AGE FOR THIS ACTIVITY?

126. (U) Prostitution is legalized and regulated. The minimum age for prostitution is 18.
DOES THE GOVERNMENT ACKNOWLEDGE THAT TRAFFICKING IS A PROBLEM IN THAT COUNTRY?

127. (SBU) GOP officials acknowledge there are TIP victims in Panama but most do not believe there are more than 100 victims who are trafficked annually across borders. However, GOP continues devote considerable time, efforts and resources to combating TIP. GOP officials are well aware of the internal trafficking problem of commercial sexual exploitation of minors and the use of Panamanian minors in international pornography.

WHICH GOVERNMENT AGENCIES ARE INVOLVED IN ANTI-TRAFFICKING EFFORTS?

128. (SBU) PTJ (including the Sex Crimes Unit and its Sexual Exploitation Section), PNP, Immigration, MINJUMFA, MFA, Ministry of Labor, MOGJ, Ministry of Health, Ministry of Education, Social Security (CSS), Office of the First Lady, Ministry of Commerce, SAN, SMN, Family and Child Courts, District Attorneys, the Office of Tourism (IPAT), the Ombudsman (Defensoria) and the National Assembly.

ARE THERE OR HAVE THERE BEEN GOVERNMENT-RUN ANTI-TRAFFICKING INFORMATION OR EDUCATION CAMPAIGNS? IF SO, BRIEFLY DESCRIBE THE CAMPAIGN(S), INCLUDING THEIR OBJECTIVE AND EFFECTIVENESS. DO THESE CAMPAIGNS TARGET POTENTIAL TRAFFICKING VICTIMS AND/OR THE DEMAND FOR TRAFFICKING (E.G. "CLIENTS" OF PROSTITUTES OR BENEFICIARIES OF FORCED LABOR)?

129. (SBU) In November 2004, MINJUMFA and the Office of the First Lady initiated a formal campaign against the sexual commercial exploitation of minors and sexual tourism. (reftel F). The campaign targeted the demand for trafficking, using the slogans "IF YOU ARE A MAN, WE'RE DEPENDING ON YOU" and "PANAMA: A COUNTRY THAT REJECTS SEX TOURISM." The campaign also sought to create awareness of TIP among the general public. The program included a launch event at the international airport with the First Lady, the MINJUMFA Minister, the MOGJ, tourist agencies, and IPAT; the distribution of thousands of postcards with anti-TIP messages to tourists in transit at the principal airports, ports, travel agencies, and hotels in Panama; the distribution of flyers throughout the country in internet cafes, bars, pharmacies, restaurants, and health centers; and three celebrity radio spots calling on men to stop sexual exploitation of minors. The campaign increased awareness of the issue, but MINJUMFA found tourist sector businesses resistant to informing their patrons of the problem of sex tourism. MINJUMFA submitted an anti-TIP prevention proposal to extend its campaign and work more intensively with tourist sector businesses. (reftel C)

130. (SBU) In November 2004, MINJUMFA initiated an anti-TIP awareness workshop in the Darien region (reftel F) aimed at 50 Darien judges, "corregidores," prosecutors, mayors, police, educators, health professionals, and NGOs. The workshop resulted in a Darien action plan, receipt of additional complaints, and an agreement between MINJUMFA and the PNP to train PNP personnel in attention to cases of commercial sexual exploitation of minors.

131. (SBU) In November 2004, MINJUMFA conducted a National Forum on Integral Assistance to Child Victims of Sexual Violence that identified advances, challenges, and strategies in providing victims' assistance. The forum included 150 participants, including judges, "corregidores," prosecutors, mayors, health, education and labor officials, and NGOs. At the forum, MINJUMFA distributed 300 copies of the new anti-TIP law and anti-TIP publicity materials, a thousand press packets, and other publicity.

132. (SBU) Throughout 2004 the PTJ Sex Crimes Unit and its Sexual Exploitation Section conducted informal education sessions at schools and universities specifically discussing trafficking and related crimes. The PTJ also publicized the March 2004 anti-TIP law and the creation of the Sexual Exploitation Section (reftel H). The PTJ worked with the ILO to design anti-TIP information for its victim center.

133. (SBU) To address the issue of child domestic labor, an ILO/IPEC pilot project created a provincial sub-committee composed of local government and civil society to raise awareness and address child domestic labor. The program included radio spots about child domestic labor. The pilot program succeeded in removing approximately 130 girls from child domestic labor in less than a year and the First Lady hopes to extend the program throughout the country. The regional sub-committee took innovative steps, such as arranging for a local bus transportation company to verify that girls traveling to Panama City had work permits (reftel B).

134. (U) The Sex Crimes Prosecutors in the Attorney General's Office promoted the new anti-TIP law throughout the year on TV and radio programs and during anti-TIP launch events. The Attorney General's Office conducted a public awareness campaign in January and February 2005 in the weeks prior to the carnival holidays to make citizens and the media aware of the new anti-TIP law. The campaign aimed to prevent the commercial sexual exploitation of minors and child pornography at Carnival festivities, particularly photographing undressed minors. The Attorney General's office included anti-TIP information (such as Carnival awareness information and the Attorney General's remarks at anti-TIP events) on its excellent website.

DOES THE GOVERNMENT SUPPORT OTHER PROGRAMS TO PREVENT TRAFFICKING? (E.G. TO PROMOTE WOMEN'S PARTICIPATION IN ECONOMIC DECISION-MAKING OR EFFORTS TO KEEP CHILDREN IN SCHOOL). PLEASE EXPLAIN.

135. GOP sponsors a number of programs through MINJUMFA, and the Ministries of Health, Labor, and Education (reftel B). These programs range from increasing access to education for child workers; anti-drug, HIV and Safe Sex awareness; income generating projects for families; and combating violence against women. NGOs and other international organizations sponsor similar campaigns.

IS THE GOVERNMENT ABLE TO SUPPORT A PREVENTION PROGRAM?

136. The GOP has been able to support a limited campaign due to lack of funding. The Attorney General's Office and MINJUMFA have submitted anti-TIP prevention proposals (reftel C). CONAPREDES, the new anti-TIP commission, is charged with creating a fund from a special tax to support prevention efforts, which Embassy estimates will be fully functional by the end of 2005 (reftel C).

WHAT IS THE RELATIONSHIP BETWEEN GOVERNMENT OFFICIALS, NGOS, OTHER RELEVANT ORGANIZATIONS AND OTHER ELEMENTS OF CIVIL SOCIETY ON TRAFFICKING ISSUE?

137. (SBU) The GOP (particularly MINJUMFA, prosecutors, and investigators) relation with the ILO/IPEC is good. The Immigration Directorate has been extremely active with the International Organization for Migration (OIM) in 2004-2005, presiding over the IOM until November 2004 and receiving two anti-TIP training seminars. The Ombudsman's Office has a special network which helped design and pass the March 2004 anti-TIP law. This network includes civil society and representatives from the executive, legislative, and judicial branches. With the installation of the anti-TIP commission in February 2005, the GOP further institutionalized this relationship at a policy and technical level because the commission includes government and civil society members (reftel I). USG-GOP relations continue to be outstanding. DOES THE GOVERNMENT ADEQUATELY MONITOR ITS BORDERS? DOES IT MONITOR IMMIGRATION AND EMIGRATION PATTERNS FOR EVIDENCE OF TRAFFICKING? DO LAW ENFORCEMENT AGENCIES RESPOND APPROPRIATELY TO SUCH EVIDENCE?

138. (SBU) The Immigration Directorate continued to increase its efforts to stem the flow of illegal migrants to and through Panama. While illegal foreign sex workers have not identified themselves as TIP victims, Immigration does track the number of sex workers they deport. DHS/ICE works closely with Panamanian Immigration on detection and investigation of alien smuggling and TIP. The SAN and SMN also conduct interdictions based on intelligence received. The overwhelming majority of those persons arrested are being voluntarily smuggled and not trafficked.

IS THERE A MECHANISM FOR COORDINATION AND COMMUNICATION BETWEEN VARIOUS AGENCIES, SUCH AS MULTI-AGENCY WORKING GROUP OR TASK FORCE? DOES THE GOVERNMENT HAVE A TRAFFICKING IN PERSONS TASK FORCE?

139. (SBU) There are several mechanisms for communication among various agencies and between the GOP and civil society. The March 2004 anti-TIP law created an anti-TIP commission (CONAPREDES). The Attorney General convoked CONAPREDES in February 2005 (reftel G), institutionalizing TIP policy and technical coordination regarding TIP for most relevant GOP ministries and agencies. Although the Ministry of Foreign Affairs (MFA) is not a CONAPREDES member, the Attorney General's Office coordinates with the MFA. For example, at the MFA's request, the Attorney General's office invited MFA representatives to the DOJ-sponsored TIP training for CONAPREDES on March 7-9. Training participants created a draft operations manual as a point of departure for increasing coordination.

140. (SBU) In March 2004 under the Moscoso Administration, the MOGJ created an ad-hoc Inter-Institutional Commission to Fight Trafficking in Persons (reftel B). As a result of an inquiry from the IOM at its February 2005 training seminar for MOGJ's Immigration Directorate, the Torrijos Administration's MOGJ is studying whether the ad-hoc Inter-Institutional Commission fulfilled its mandate or should be reconvened. The Ombudsman's Office also has a special network that includes civil society and executive, legislative, and judicial branch officials (para 37). The GOP Ministries also work together on prevention, protection, and prosecution on an ad-hoc basis.

DOES THE GOVERNMENT HAVE A PUBLIC CORRUPTION TASK FORCE?

141. (U) In October, the GOP created the National Council for Transparency, headed by an Anti-Corruption Secretary with the rank of Vice-Minister (reftel F, J). The Attorney General's Office has an anti-corruption prosecutor. The Ministry of Economics and Finance has an office that conducts special audits at the Minister's request.

DOES THE GOVERNMENT COORDINATE OR PARTICIPATE IN MULTINATIONAL OR INTERNATIONAL WORKING GROUPS OR EFFORTS TO PREVENT, MONITOR, OR CONTROL TRAFFICKING?

142. (U) GOP was very active with the IOM on alien smuggling and anti-TIP programs in 2004-2005 (para 37). In December 2004, Panama hosted the International Law Enforcement Academy Key Leaders Conference in which regional law enforcement heads discussed TIP extensively. Panama also worked multilaterally on TIP at the Security Commission of Central American Integration and the Meeting of the Joint Task Forces in El Salvador. GOP coordinates border control with neighboring countries through Immigration and PNP. The GOP has bilateral exchange information agreements with Ecuador, Colombia, and Mexico. The MOGJ's Office of Mutual Legal Assistance handled international requests for judicial assistance in TIP cases. GOP and the Government of Colombia (GOC) have a border security working group for Darien Province. In March 2004, PNP Secretary General Luis Benitez Aponte presented a paper on TIP at the Ordinary Meeting of the Commission of Heads of Police of Central America and the Caribbean. PTJ and PNP receive intelligence from Interpol on TIP cases. (NOTE: Embassy believes GOP would support and participate actively in any additional bi-lateral and/or regional working groups. End Note.)

DOES THE GOVERNMENT HAVE A NATIONAL PLAN OF ACTION TO ADDRESS TRAFFICKING IN PERSONS? IF SO, WHICH AGENCIES WERE INVOLVED IN DEVELOPING IT? WERE NGOS CONSULTED IN THE PROCESS? WHAT STEPS HAS THE GOVERNMENT TAKEN TO DISSEMINATE THE ACTION PLAN?

143. (SBU) The GOP's national action plan to address trafficking in persons was institutionalized in March 2004 with the new anti-TIP law, which contains prosecution, prevention, and enforcement provisions. The Attorney General's office introduced the bill which received input from the Ombudsman's intergovernmental/civil society network on this issue. The law called for the creation of a Sexual Exploitation Section within the PTJ. The law also created CONAPREDES, which includes civil society members (para 12, 16, 36, 39, 44). The PTJ, the Attorney General's office, and MINJUMFA, have conducted prevention activities to distribute the new law (reftel B, C, H; para 29-34). The GOP conducted a training seminar in Panama City and Veraguas Province to train the PTJ in the new law (reftel B).

IS THERE SOME ENTITY OR PERSON RESPONSIBLE FOR DEVELOPING ANTI-TRAFFICKING PROGRAMS WITH THE GOVERNMENT?

144. (SBU) CONAPREDES is responsible for studying the prevention and eradication of crimes of sexual exploitation, creating a special anti-TIP fund from a designated tax source, and using the special anti-TIP fund to finance training, prevention, and victims' assistance programs (reftel G, para 12, 16, 36, 39, 43). GOP agencies involved in TIP prosecution, prevention, and protection coordinate proposal development through offices with a specialty in

commercial sexual exploitation or women and children's issues, i.e., Attorney General's Office (Sex Crimes Coordinator); MOGJ (Immigration, Office of Gender), MINJUMFA (Women's Directorate, Children's Directorate), PTJ (Sexual Exploitation Section), Social Security CSS) (Office of Gender).

DOES THE COUNTRY HAVE A LAW SPECIFICALLY PROHIBITING TRAFFICKING IN PERSONS--BOTH FOR SEXUAL EXPLOITATION AND TRAFFICKING FOR NON-SEXUAL PURPOSES (E.G. FORCED LABOR)? IF SO, WHAT IS THAT LAW?

145. (U) The March 2004 anti-TIP law modified the Penal Code by adding an additional chapter (Book II, Title VI, Chapter IV, Sections 231-231(I)) that created the specific crimes of sexual trafficking, sexual tourism, and pornography with minors. The March 2004 anti-TIP law also toughened Penal Code provisions for corruption of minors, commercial sexual exploitation (of adults and minors), and pimping (Book II, Title VI, Chapter III, Sections 226-230).

146. (U) Sections 310 and 310-A of Penal Code Book II, Title IX, Chapter III also make it a punishable crime to be a part of an international drug or "people trafficking" ring or to smuggle people with their consent in contravention of immigration laws. Section 310 also provides for penalties for violations of human rights under international conventions signed by Panama, but the Supreme Court has declared this provision unconstitutional. In practice, Section 310 and 310-A are applied in cases of international human smuggling. Article 215D of the penal code penalizes the use or inducement of minors for pornography or immoral, prohibited, dangerous or unhealthy work. Penal Code Book II, Title II, Chapter III Sections 151 and 152 penalizes the deprivation of liberty of others.

ARE THESE LAWS, TAKEN TOGETHER, ADEQUATE TO COVER THE FULL SCOPE OF TRAFFICKING IN PERSONS?

147. (SBU) These laws cover the full scope of TIP, but the GOP continues to work to improve the laws. For example, there continues to be some confusion concerning the applicability of the sexual trafficking provision to adults because of the wording of the chapter title (not the text) of the law. The Attorney General's Office and MOGJ are working to reform the title to make clear that the sexual trafficking provision includes adult victims. The Attorney General's Office, as part of its anti-TIP prevention and protection proposal is working on a bill to modify Penal Code Sections 310 and 310-A to specifically mention forced labor and debt bondage (reftel C).

148. (SBU) The anti-TIP law improved investigation and prosecution capabilities in all TIP cases under Book II, Title VI of the Penal Code by eliminating the need for a formal victim's complaint to initiate investigations. (Other penal code provisions never required a formal complaint). The anti-TIP law also included harsher penalties for TIP crimes.

149. (SBU) The Immigration Directorate suspended use of the "alternadora" visa in March 2004 but reinitiated it in January 2005, citing public health concerns and the need to regulate Colombian entertainment workers. In February the Immigration Directorate told PolOff that it had instituted new procedures to protect the human rights of visa applicants. MOGJ told PolOff that it is working on an immigration reform bill that would eliminate the conflict between the issuance of alternadora visas and the March 2004 anti-TIP law. MOGJ informed Embassy in writing in January that the anti-TIP law had tacitly derogated the immigration provisions that permitted the owners of dance clubs and nightclubs to bring "alternadoras" to Panama. The Immigration Directorate has consulted with IOM for suggestions on how any provisions in the expected immigration reform bill for "artists" or "alternadoras" (the National Assembly reconvened March 1) should be written to comply with the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, which Panama ratified in July 2004.

WHAT ARE THE PENALTIES FOR TRAFFICKERS OF PEOPLE FOR SEXUAL EXPLOITATION? FOR TRAFFICKERS OF PEOPLE FOR LABOR EXPLOITATION?

150. (U) Section 228 penalizes sexual exploitation with 4-6 years of prison and 8-10 years of prison when the victim is a minor. Section 231 penalizes sexual trafficking with 5-8 years of prison and 8-10 years when the victim is a minor. Section 310 sets the penalty at 10-15 years of prison and Section 310-A sets it at 5-10 years. Section 151-152 provide for 6 months to 6 years imprisonment. Section 215D provides for 2-6 years imprisonment. (Note: Immigration Director Lima has proposed increasing the penalties for sexual trafficking to at least 10-15 years on the theory that trafficking in people should be penalized more severely than human smuggling because it is a violation of human rights).

WHAT ARE THE PENALTIES FOR RAPE OR FORCIBLE SEXUAL ASSAULT?
HOW DO THEY COMPARE TO THE PENALTY FOR SEX TRAFFICKING?

151. (U) Under Penal Code Book II, Title VI, Chapter I Sections 216-218 rape is punishable by 3 to 10 years in prison, depending on the circumstances. Under Section 219, statutory rape with a minor age 14-18 is punishable by 1-6 years of prison.

HAS THE GOVERNMENT PROSECUTED ANY CASES AGAINST TRAFFICKERS?
IF SO, PROVIDE NUMBER OF ARRESTS, INDICTMENTS CONVICTIONS,
SENTENCES, INCLUDING DETAILS ON PLEA BARGAINS AND FINES, IF
RELEVANT AND AVAILABLE.

152. (SBU) In 2004 the PTJ investigated 24 cases under the March 2004 anti-TIP law, including nine cases of pornography with minors, five cases of paid sex with minors, six cases of sexual trafficking, one case of internet pornography, and two cases of pimping. As permitted under the March 2004 anti-TIP law, the PTJ initiated 13 of these cases without a complaint. In 2004, the number of formal PTJ TIP investigations was four times that in 2003. By the end of January, seven of these cases had been transferred to the Attorney General's Office for prosecution. From January through March 1, the PTJ began investigations in three more cases under the new law, including two cases of pornography with minors.

153. (SBU) According to the Office of the Attorney General, the Darien Prosecutor opened the most provincial cases under the March 2004 anti-TIP law. From April 2004 to January 2005, the Darien Prosecutor opened 82 sex crime cases, including numerous cases under the March 2004 anti-TIP law. The Darien Prosecutor finished investigations in at least 48 of the cases, which continued to the trial stage. Information on convictions is not yet available because the anti-TIP law is new and judicial branch statistics generally have a one year lag.

154. (SBU) The Immigration Directorate under the Torrijos Administration fined at least two brothels for employing undocumented foreign sex workers. According to Immigration statistics, from January through November the GOP initiated proceedings against approximately 367 foreign sex workers (classified as non-bona fide tourists), the majority of whom asked for and were granted voluntary departure.

ARE THE TRAFFICKERS SERVING TIME SENTENCED? IF NO, WHY NOT?
PLEASE INDICATE WHETHER THE GOVERNMENT CAN PROVIDE THIS
INFORMATION, AND IF NOT, WHY NOT?

155. (SBU) The GOP is willing provides information. However, the March 2004 anti-TIP law is still so new that most TIP cases have not made it through the judicial system and judicial statistics are only current through 2003 (para 53).

IS THERE ANY INFORMATION OR REPORTS OF WHO IS BEHIND THE
TRAFFICKING? ARE GOVERNMENT OFFICIALS INVOLVED? ARE THERE
ANY REPORTS OF WHERE PROFITS FROM TRAFFICKING IN PERSONS ARE
BEING CHanneled? (E.G. ARMED GROUPS, TERRORIST ORGANIZATIONS,
JUDGES, BANKS, ETC).

156. (SBU) Independent dance club and/or massage parlor owners and, on occasion, persons with connections to illegal drug trade are behind trafficking. GOP investigators report that the profile for traffickers for child commercial sexual exploitation in Panama City involves taxi drivers who look for customers. The PTJ's 2004 TIP cases include 11 Panamanians, 1 Jamaican, 5 North Americans, 2 Asians, 2 Colombians, and 2 Puerto Ricans. The Darien prosecutor suspects at least one indigenous leader is involved in prostituting indigenous girls. Most profits appear to go directly to traffickers. The Darien Prosecutor also links perpetrators of commercial sexual exploitation to drug traffickers.

DOES THE GOVERNMENT ACTIVELY INVESTIGATE CASES OF
TRAFFICKING? DOES THE GOVERNMENT USE ACTIVE INVESTIGATIVE
TECHNIQUES IN TRAFFICKING IN PERSONS INVESTIGATIONS?

157. (SBU) The GOP investigates very actively, especially now that a formal complaint is no longer required for sexual TIP cases. However, resources limit the ability of the PTJ and prosecutors to investigate. For example, investigators lack computers, vehicles to perform undercover operations, and computer experts.

TO THE EXTENT POSSIBLE UNDER DOMESTIC LAW, ARE TECHNIQUES
SUCH AS ELECTRONIC SURVEILLANCE,
UNDERCOVER OPERATIONS, AND MITIGATED PUNISHMENT OR IMMUNITY
FOR COOPERATING SUSPECTS USED BY THE GOVERNMENT? DOES THE
CRIMINAL PROCEDURE CODE OR LAWS PROHIBIT THE POLICE FORM
ENGAGING IN COVERT OPERATIONS?

158. (SBU) The March 2004 anti-TIP law specifically authorized the Attorney General's Office to use undercover

operations in its investigations. The GOP uses undercover operations to the extent possible with its limited resources (lack of vehicles, lack of computers). The March 2004 anti-TIP law also provided for wire taps and monitoring of email and internet use in appropriate cases (reftel B, F). The November 2004 Constitutional reforms also legalized wiretapping under certain circumstances (reftel F).

DOES THE GOVERNMENT PROVIDE ANY SPECIALIZED TRAINING FOR GOVERNMENT OFFICIALS IN HOW TO RECOGNIZE, INVESTIGATE, AND PROSECUTE INSTANCES OF TRAFFICKING?

159. (SBU) GOP provides internal training. In July, the GOP trained the PTJ in the new anti-TIP law in two seminars in Santiago and Veraguas province (reftel B). In July, the GOP took advantage of a visit from a DOJ prosecutor and victim specialist to provide a training seminar. MINJUMFA conducted a training on the anti-TIP law in the Darien province (reftel F).

160. (SBU) The ILO/IPEC provides the GOP with training in child commercial sexual exploitation. The GOP trained personnel in TIP through IOM seminars (para 37, 42). GOP personnel also participated in the ILEA key leaders conference. The Embassy of Spain trained investigators in computer investigative techniques. International Tourism Organization also trained GOP officials. In March 2005, GOP officials participated in DOJ sponsored TIP training.

DOES THE GOVERNMENT COOPERATE WITH OTHER GOVERNMENTS IN THE INVESTIGATION AND PROSECUTION OF TRAFFICKING CASES? IF POSSIBLE, CAN POST PROVIDE THE NUMBER OF COOPERATIVE INTERNATIONAL INVESTIGATIONS ON TRAFFICKING?

161. (SBU) The GOP cooperates with other countries in the prosecution of trafficking cases. In 2004, the PTJ received three leads from Interpol and six leads directly from other countries (reftel F), including the USG. In 2005, the PTJ began cooperating with European countries to identify possible child pornography victims in a large pornography case in Cocle province (about an hour and a half to the west of Panama City). Immigration and MFA are very active with IOM programs to combat alien smuggling and TIP.

DOES THE GOVERNMENT EXTRADITE PERSONS WHO ARE CHARGED WITH TRAFFICKING IN OTHER COUNTRIES? DOES THE GOVERNMENT EXTRADITE ITS OWN NATIONALS CHARGED WITH SUCH OFFENSES? IF NOT, IS THE GOVERNMENT PROHIBITED BY LAW FROM EXTRADITING ITS OWN NATIONALS?

162. (U) The March 2004 anti-TIP law specifically provides for extradition in cases of sexual trafficking. However, the constitution prohibits extradition of Panamanians.

IS THERE EVIDENCE OF GOVERNMENT INVOLVEMENT IN OR TOLERANCE OF TRAFFICKING, ON A LOCAL OR INSTITUTION LEVEL?

163. (U) Embassy will send septel (para 2).

IF GOVERNMENT OFFICIALS ARE INVOLVED IN TRAFFICKING, WHAT STEPS HAS THE GOVERNMENT TAKEN TO END SUCH PARTICIPATION? HAVE ANY GOVERNMENT OFFICIALS BEEN PROSECUTED FOR INVOLVEMENT IN TRAFFICKING OR TRAFFICKING RELATED CORRUPTION?

164. (U) Embassy will send septel para 2).

IF THE COUNTRY HAS IDENTIFIED CHILD SEX TOURISM AS A PROBLEM (AS SOURCE OR DESTINATION), HOW MANY FOREIGN PEDOPHILES HAS THE GOVERNMENT PROSECUTED OR DEPORTED/EXTRADITED TO THEIR COUNTRY OF ORIGIN? DOES THE COUNTRY'S CHILD SEXUAL ABUSE LAWS HAVE EXTRATERRITORIAL COVERAGE (LIKE THE U.S. PROTECT ACT)?

165. (U) The March 2004 anti-TIP law creates the crime of sex tourism of minors (Penal Code Book II, Title VI, Chapter IV, Section 231-G). However, the PTJ has reported no investigations of this crime thus far. However, the PTJ Sexual Exploitation Section has had a heavy workload with a few large cases of international child pornography. In addition, the March 2004 anti-TIP law requires lodging establishments to include a warning regarding TIP in their contracts.

166. (U) The anti-TIP law provides for extraterritorial coverage of sex crimes (all crimes in Book II, Title VI of the Penal code Sections 216-231-I) when there crime has an effect in Panamanian territory or an element of the crime happened in Panamanian territory. Penal Code Section 9 provides for extraterritorial coverage of other crimes, including domestic violence.

HAS THE GOVERNMENT SIGNED, RATIFIED, AND/OR TAKEN STEPS TO IMPLEMENT THE FOLLOWING INTERNATIONAL INSTRUMENTS? PLEASE PROVIDE THE DATE OF SIGNATURE/RATIFICATION IF APPROPRIATE?

167. (U) The GOP has signed and ratified all pertinent

international instruments:

ILO CONVENTION 182: Ratified on June 15, 2000. Deposited in Geneva on October 31, 2000
ILO CONVENTION 29: Ratified in 1930
ILO CONVENTION 105: Ratified in 1957
THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD (CRC): Signed on October 31, 2000 and ratified on February 9, 2001
THE PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME: Signed on December 13, 2000 and ratified July 7, 2004 (Law 23).

DOES THE GOVERNMENT ASSIST VICTIMS, FOR EXAMPLE, BY PROVIDING TEMPORARY TO PERMANENT RESIDENCY STATUS, RELIEF FROM DEPORTATION, SHELTER AND ACCESS TO LEGAL, MEDICAL, AND PSYCHOLOGICAL SERVICES? IF SO, PLEASE EXPLAIN. DOES THE COUNTRY HAVE VICTIM CARE AND VICTIM HEALTH CARE FACILITIES? IF SO, CAN POST PROVIDE THE NUMBER OF VICTIMS PLACED IN THESE CARE FACILITIES?

168. (SBU) Access to legal, medical, and psychological services are available, but limited due to funding. CONAPREDES (reftel G) has the power to collect a special tax to support victims' assistance. MINJUMFA has a shelter and works with the NGO Casa Malambo to provide additional shelter space and assistance services. MINJUMFA has made a proposal for bilateral assistance to improve its services, including additional shelter space (reftel C). MINJUMFA also places TIP victims with foster families or relatives. MINJUMFA currently has approximately two victims of child commercial sexual exploitation at its shelter facilities. Other victims are with relatives or foster families. MINJUMFA is working on a general victims' hotline which it expects will be operational by June (reftel C).

169. (SBU) The MOGJ's Immigration Directorate asks detainees for illegal prostitution if they are TIP victims, but detainees have not claimed to be forced into prostitution. At the IOM/GOP Training on February 17-18, 2005, MOGJ announced that it was creating a TIP victims' assistance center where TIP victims could come forward to claim TIP status on their own initiative (para 18).

170. (SBU) PTJ has a crime victims, assistance center at PTJ headquarters in Panama City. This center is not specifically for TIP victims but service coordination is available at the center. The PTJ Sex Crimes Unit rearranged its office to provide a more pleasant waiting area for TIP victims.

171. (SBU) Immigration coordinates referrals to hospitals and NGOs for detainees who may be victims of abuse and TIP. The PTJ center coordinates victim referrals to these services. However, space at the legal medicine center in Panama City is cramped and victims share the waiting room with criminals sent for medical tests. Some hospitals and clinics have medical staff trained to treat rape and other sexual assault victims. TIP-specific training would be beneficial.

172. (SBU) HIV/AIDS screening is offered but on a broader basis both to rape and sexual assault victims and to sex workers. HIV/AIDS screenings are required and provided by the Ministry of Health for registered sex workers.

173. (SBU) Immigration, the PNP, and the PTJ Sex Crimes Unit all maintain hotlines where TIP victims can report a crime and begin to seek services.

DOES THE GOVERNMENT PROVIDE FUNDING OR OTHER FORMS OF SUPPORT TO FOREIGN OR DOMESTIC NGOS FOR SERVICES FOR VICTIMS? PLEASE EXPLAIN.

174. (SBU) MINJUMFA sees its role as providing funding, direction, and support to foreign and domestic NGOs with projects in Panama. MINJUMFA provides approximately \$3 million annually to various NGOs that support women, youth, children, and the family. MINJUMFA provides approximately \$130,000 annually to the NGO Casa Malambo, which includes a shelter used by TIP victims (reftel C). The NGO Casa Esperanza, which plays a key role in addressing child labor issues in the country, receives approximately 3% of its funding from MINJUMFA (reftel B). Casa Esperanza operates "day shelters," which provide services to children and their families during the day, helping to prevent a street child problem. The GOP also supports the shelter Support Center for Abused Women (Camm), but this shelter only serves victims of domestic violence.

175. (U) CONAPREDES is charged with creating a special fund for education, prevention, and victims' assistance from a designated tax source (reftel G).

IS THERE A SCREENING AND REFERRAL PROCESS IN PLACE, WHEN

APPROPRIATE, TO TRANSFER VICTIMS DETAINED, ARRESTED OR PLACED IN PROTECTIVE CUSTODY BY LAW ENFORCEMENT AUTHORITIES TO NGO'S THAT PROVIDE SHORT OR LONG TERM CARE?

176. (U) The PTJ victim enter coordinates victims' assistance in cases in which a victim brings a complaint in Panama province or is part of an investigation conducted by the PTJ. Prosecutors investigating cases in other provinces coordinate for victims assistance with MINJUMFA. MINJUMFA provides or coordinates the provision of shelter, legal, social worker, psychological and other support. Those NGOs that work with victims (adult and minors) of sexual abuse and assault are well known and law enforcement authorities can make referrals on ad-hoc basis.

ARE THE RIGHTS OF VICTIMS RESPECTED OR ARE VICTIMS TREATED AS CRIMINALS? ARE VICTIMS DETAINED, JAILED OR DEPORTED? IF DETAINED OR JAILED, FOR HOW LONG? ARE VICTIMS FINED? ARE VICTIMS PROSECUTED FOR VIOLATIONS OF OTHER LAWS, SUCH AS THOSE GOVERNING IMMIGRATION OR PROSTITUTION?

177. (U) Victims are not treated as criminals; their rights are respected. The March 2004 anti-TIP law provides that TIP victims will not be responsible for immigration, prostitution, or other deeds that are the direct result of trafficking. Victims who identify themselves are not jailed. If a victim commits a non-related crime or is awaiting deportation, then the jail time will vary depending on the circumstances. A small portion of sex workers who were detained for immigration violations may have been TIP victims, although none claimed to be. In February 2005 MOGJ announced that it was creating a TIP victims' center, which could help identify and assist TIP victims (para 18, 16).

DOES THE GOVERNMENT ENCOURAGE VICTIMS TO ASSIST IN THE INVESTIGATION AND PROSECUTION OF TRAFFICKERS? MAY VICTIMS FILE CIVIL SUITS OR SEEK LEGAL ACTIONS AGAINST THE TRAFFICKERS? DOES ANYONE IMPEDE THE VICTIMS' ACCESS TO SUCH LEGAL REDRESS? IF VICTIMS ARE MATERIAL WITNESSES IN A COURT CASE AGAINST THE FORMER EMPLOYER, IS THE VICTIM PERMITTED TO OBTAIN OTHER EMPLOYMENT OR LEAVE THE COUNTRY? IS THERE A VICTIM RESTITUTION PROGRAM?

178. (SBU) Victim participation is crucial. While under the March 2004 anti-TIP law the PTJ and prosecutors no longer need a formal complaint to initiate an investigation, a victim may still file a "querella," which gives the victim the right to investigate and present proof in the case (reftel C). MINJUMFA is working to provide victims with greater legal assistance to take advantage of the querella process (reftel C). Nonetheless, civil court cases can be a lengthy and expensive process.

179. (SBU) Under the March 2004 anti-TIP law, courts should order repayment to victims for the costs of medical and psychological treatment, the costs of physical rehabilitation, costs of transportation, housing, child care, lost income, attorneys fees, and emotional distress. Victims who leave the jurisdiction do not lose the right to this repayment.

180. (SBU) Victims are permitted to leave Panama. If they have legal status to work, they can seek other employment.

WHAT KIND OF PROTECTION IS THE GOVERNMENT ABLE TO PROVIDE FOR VICTIMS AND WITNESSES? DOES IT PROVIDE THESE PROTECTIONS IN PRACTICE? HOW MANY SHELTERS DOES THE GOVERNMENT RUN OR FUND (IN FULL OR IN PART)? HOW MUCH FUNDING DOES THE GOVERNMENT PROVIDE FOR SHELTERS.

181. (SBU) The March 2004 anti-TIP law specifically provides for protection of TIP victims of sexual trafficking. The Ombudsman's Office and MINJUMFA must provide legal assistance to anyone, including NGOs, who make a complaint in these cases. The anti-TIP law also requires prosecutors and courts to identify victims in TIP criminal cases in order to provide victims with services and protect the victim from traffickers. Victim identification can be difficult in large pornography cases, where there may be many unknown minors. The law specifically requires officials to provide special protection to victims and their families from threats, reprisals, or intimidation. The Attorney General's Office is also required to adopt measures so that the victim can consult regarding the protection plan.

182. (SBU) The GOP does provide these protections in practice. MINJUMFA uses two main shelters, including the shelter at the NGO Casa Malambo (reftel C). MINJUMFA provides \$130,000 annually to Casa Malambo. MINJUMFA also places victims with families. However, protection of victims is challenging because Panama is a small country (approximately 3.1 million) with few shelters. Suspects have called at shelters where victims were staying.

DOES THE GOVERNMENT PROVIDE ANY SPECIALIZED TRAINING FOR GOVERNMENT OFFICIALS IN RECOGNIZING TRAFFICKING AND IN

PROVISION OF ASSISTANCE TO TRAFFICKING VICTIMS, INCLUDING THE SPECIAL NEEDS OF TRAFFICKED CHILDREN? DOES THE GOVERNMENT PROVIDE TRAINING ON PROTECTION AND ASSISTANCE TO ITS EMBASSIES AND CONSULATES IN FOREIGN COUNTRIES THAT ARE DESTINATION OR TRANSIT COUNTRIES? DOES GOVERNMENT URGE THOSE EMBASSIES AND CONSULATES TO DEVELOP ONGOING RELATIONSHIPS WITH NGOS THAT SERVE TRAFFICKED VICTIMS?

183. (SBU) The some of the training GOP has provided (para 29-31, 33 42, 59-60) has included recognizing trafficking victims and the needs of trafficked children.

184. (SBU) MINJUMFA has proposed training foster families in special assistance to TIP victims (reftel C). The PTJ participates in regional training programs and a prosecutor specializing in sex crimes went to Costa Rica to observe anti-TIP practices. The GOP receives training from ILO/IPEC in commercial sexual exploitation and child labor.

185. (SBU) DHS/ICE officials provide ad hoc training to Customs and Labor inspectors on forced child labor, including commercial sexual exploitation and child pornography. DHS/ICE officials at Panama international airport provide informal training to Immigration officials on identification of potential TIP victims entering country.

186. (SBU) Panama is not primarily a country of origin for TIP victims trafficked across borders.

DOES THE GOVERNMENT PROVIDE ASSISTANCE, SUCH AS MEDICAL AID, SHELTER, OR FINANCIAL HELP, TO ITS REPATRIATED NATIONALS WHO ARE VICTIMS OF TRAFFICKING?

187. (SBU) Panama is not primarily a country of origin for TIP victims. The media publicized an account of a woman who was recruited to work in Europe as a prostitute but the woman never left Panama.

WHICH INTERNATIONAL ORGANIZATIONS OR NGOS, IF ANY, WORK WITH TRAFFICKED VICTIMS? WHAT TYPE OF SERVICES DO THEY PROVIDE? WHAT SORT OF COOPERATION DO THEY RECEIVE FROM LOCAL AUTHORITIES?

188. (SBU) Trafficking victims work with several organizations. ILO/IPEC works in the area of commercial sexual exploitation of minors and child labor. Nueva Era en Salud works with sex workers. Casa Malambo provides shelter services for TIP victims. FUNDAMUJER provides legal assistance to TIP victims. The following NGOs do not have specific programs for TIP victims but sponsor victim assistance programs: Casa Esperanza (education/housing/nutrition for minors), Hogar Luisa McGrath (victims of incest/rape), and Mujeres Coloneses en Camino (women's assistance programs). There are a number of other NGOs with similar programs. The NGOs provide education, nutrition, health, shelter, legal, counseling, and psychological services.

TIP HERO NOMINATIONS

189. (SBU) Embassy nominates the Prosecutors Maruquel Castroverde and Arnesia Janeth Torrero as TIP heroes. Both prosecutors have shown exceptional commitment to fighting TIP. Prosecutor Castroverde helped draft, introduce, and promote the landmark March 2004 anti-TIP law. Prosecutor Castroverde also serves as the coordinator for sex crime cases within the Public Ministry (Attorney General's Office). Castroverde continues to advocate for more resources to improve TIP prosecution, prevention, and victim protection (reftel C, H). Prosecutor Torrero was an assistant prosecutor in 2003 when she participated in an IV TIP program. In 2004, as sole prosecutor for the historically neglected Darien province, Torrero had many responsibilities and few resources. Armed with the March 2004 anti-TIP law that Castroverde had helped pass, Torrero opened numerous cases of sexual exploitation of children and worked with MINJUMFA to find services for victims. Torrero's actions drew Attorney General Gomez's and MINJUMFA Minister Calderon's attention and resources to the TIP issue in Darien province (reftel C) at significant personal danger to herself. Castroverde and Torrero are being vetted through the CLASS and other pertinent systems.

190. (U) Embassy point of contact for TIP issues is Political Officer Debra Steigerwalt (507) 207-7183, (F) 507-207-7418, FS04. Time spent preparing this report: 48 hours. Members of the Embassy TIP working group spent 5 hours reviewing this report.

COMMENT

191. (SBU) Panama, like the vast majority of nations (including the United States), suffers the ill effects of TIP. While domestic issues such as familial sex abuse, violence against women and children, and drug abuse are much

larger problems, the GOP fights TIP aggressively. As a result, in March 2004 the GOP enacted a landmark anti-TIP law and in July 2004 ratified the U.N. Protocol to Prevent, Suppress, and Punish Trafficking in Persons. The anti-TIP law institutionalized the GOP's plan to combat TIP for prosecution, prevention, and protection at a policy and technical level. The new law has resulted in more frequent and successful prosecutions, regional cooperation, TIP awareness, and victims' services.

USG material support and expertise has enhanced GOP anti-TIP activities. The GOP has submitted several TIP prevention and protection proposals (reftel C), that if funded, would further enhance ongoing anti-TIP activities. Nonetheless, while the GOP has signaled that it will take steps to prevent visa recipients from becoming TIP victims, the GOP at present has no plans to eliminate the "alternadora visa."

WATT